

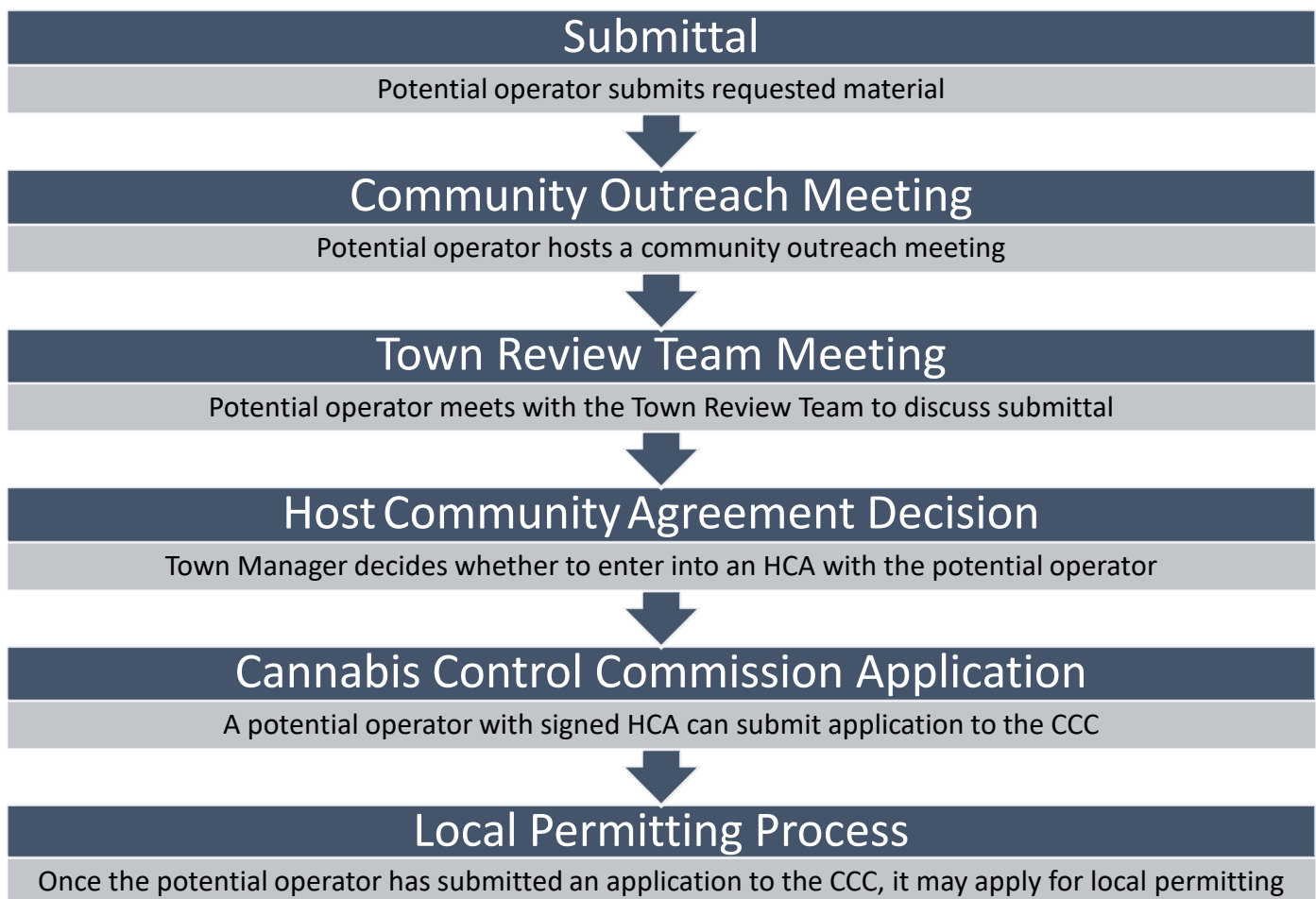
Guidance for Recreational Marijuana Retail Establishments in Amherst

1. Introduction

The Town of Amherst (“Town”) is interested in engaging with potential recreational marijuana retail establishments that are responsible operators, intent on promoting diversity and social equity, offer superior products in a quality establishment, and add economic value to the town. Amherst has developed this guidance to help prospective operators understand the process that the town will use to determine whether to enter into a Host Community Agreement (HCA).

This is not a binding Request for Proposals, but an invitation for interested parties to submit a recreational marijuana retail establishment plan to the town. Amherst will use the submittals to gauge interest in the operation of recreational marijuana retail establishments. Following the process outlined below, Amherst reserves the right to engage in negotiations with none, one, or more than one potential operators. **Interested parties must respond by May 31, 2019.**

2. Process



Description of process steps

Submittal: See submittal checklist and description of submittal documents in section 3, below. Town staff will provide an initial review of the submittals and determine whether the submittal is complete and the proposed location appears to satisfy local zoning requirements. If the submittal is incomplete, the potential operator will be informed what material is missing. If the location does not satisfy local zoning, the potential operator will be informed that it may not proceed at that location. If the submittal is complete and the location appears to satisfy local zoning, the proposed operator will be asked to host a Community Outreach Meeting that adheres to both the state requirements and local guidelines and invited to meet with the Town Review Team to discuss the submittal.

Community Outreach Meeting: In addition to the Cannabis Control Commission (CCC) requirements, potential operators in Amherst will be evaluated on the following aspects of the Community Outreach Meeting:

- Consultation with Town staff regarding the date, time, and location for convenience to community members interested in attending;
- Publication and marketing of the meeting;
- The accuracy and completeness of notes taken by the potential operator during the Community Outreach Meeting, which will be submitted at the Town Review Team Meeting. Notes should include the total number of attendees, the questions asked by the public, and the potential operator's responses; and
- Any change in plans in response to the Community Outreach Meeting.

Town Review Team Meeting: The purpose of the meeting is will be for Town Review Team to ask detailed questions, raise concerns, discuss ways to improve the submittal, and offer guidance that would increase the likelihood of a decision to enter into an HCA. If the potential operator agrees to make suggested changes, compliance with the changes will be a consideration when deciding whether to renegotiate an HCA with the operator after the initial HCA expires, and, if applicable, will be a consideration for the local permitting authority when deciding whether to issue a Special Permit or Site Plan Review approval.

Host Community Agreement Decision: The Town Manager anticipates signing 2-3 HCAs with recreational marijuana retail establishments at the conclusion of this process, however, the decision to sign an HCA is solely at the discretion of the Town Manager. If none of the potential retail operators are sufficient, the Town Manager may decline to enter into any HCAs, or the Town Manager may sign more than 3. Interested parties should be aware that the Town bylaws limit the number of recreational marijuana retail establishments to 8, and the Town Manager has already signed 3 HCAs with retail establishments. The Town anticipates repeating this process again and potential operators who are not successful at this time are encouraged to resubmit at that time. The decision whether to enter into an HCA will be a result of a holistic evaluation of the potential operator's submittal, the Community Outreach Meeting, the Town Review Team Meeting, and recommendations from staff, as well as feedback from relevant Town Boards and Committees (including but not limited to the Board of Health, and Regional School Committee). In no particular order, a non-exhaustive list of factors that the Town Manager may consider include:

- Location – Whether a recreational marijuana establishment is the highest and best use of the property, whether it will improve vacant or underutilized property, the proximity to other marijuana establishments, traffic impacts, and consistency with the Amherst Master Plan.
- Educational Material – The quality of the business' plan to educate the public and consumers about legal and responsible marijuana use.
- Consistency with Community Values – Whether the proposed business' plans with respect to diversity, equity, and sustainability adequately reflect community expectations.
- Economic Value – The amount of additional economic value the business would bring to Amherst, such as new jobs, additional local tax revenue, hiring of local residents, and commitment to use of local businesses for construction, supplies, and other business needs.
- Experience – Any experience operating a marijuana establishment, specifically a recreational marijuana retail establishment and experience in Massachusetts.

- Uniqueness of Proposal – Particular commitments, policies, programs, products, etc. that would distinguish the recreational marijuana retail establishments from other similar establishments.

Cannabis Control Commission Application: Once a potential operator has a signed HCA and has conducted a Community Outreach Meeting, it may apply for a license from the CCC.

Local Permitting Process: After the potential operators has submitted a complete application to the CCC, it may enter into the local permitting process. For recreational retail marijuana establishments, this will require a Special Permit from the Zoning Board of Appeals. Information on Zoning Board of Appeals applications is available at: <https://www.amherstma.gov/235/Zoning-Board-of-Appeals>.

3. Submittal Checklist

- ☐ Location and property interest information
- ☐ Business summary
- ☐ Experience operating a marijuana establishment
- ☐ Equity considerations
- ☐ Signed acknowledgement of receipt of this document and that the establishment may be subject to local licensure requirements in the future

Description of submittal documents

Location and Property Interest: The physical address of the proposed location as well as proof of the marijuana establishment's interest in the property. Documents that will satisfy the proof of property interest requirement include, but are not limited to, a purchase and sale agreement or lease. If the marijuana establishment's property interest does not encompass the entire property or building, include a description of the part of the building to be used for the marijuana operation, a rough sketch of the building/property that clearly indicates the portion to be used for the marijuana establishment, as well as other uses or businesses operating in the building or on the property. Attach proof of the marijuana establishment's interest in the property.

Business Summary: A summary of the proposed business, not to exceed 3 pages. The summary should include the contact information for the primary point of contact to discuss the submittal, a description of the management and operations of the business, the total number of expected full-time equivalent employees, the types of products to be sold by the establishment, revenue and growth estimates for the first 5 years of operation, a proposed timeline to be operational, as well as a brief description of any renovation, redevelopment, or new construction anticipated, hiring of local residents, and commitment to use of local businesses for construction, supplies, and other business needs. The summary should also include descriptions of the business' diversity, sustainability, and consumer education plans. The diversity summary should describe the business' plan to promote minority and gender equity, including consideration of veterans and people with disabilities. The sustainability description should include how the business will address issues such as energy and water conservation. The consumer education information should describe how the business plans to educate consumers about the law and responsible use of marijuana. The business summary should also include any unique or differentiating aspects of the business as compared to other recreational marijuana retail businesses.

Experience Summary: A summary, not to exceed 1 page, of any experience operating a marijuana establishment. The summary should include the type (medical, recreational, retail, cultivation, etc.), location (municipality and state), and length of time operating the marijuana establishment.

Equity Considerations: Information related to the marijuana establishment's social equity experience and business practices, such as Commonwealth certification as an economic empowerment applicant; participation in the CCC social equity program; principals' and employees' years of residence in an area of disproportionate impact, including Amherst, which the CCC designated as an area of disproportionate impact; past convictions of business principals, employees, or families, for a marijuana-related offense; and other considerations such as commitments to hiring women, minorities, veterans, and people with disabilities.

Acknowledgement: Please see Acknowledgement in section 5, below.

4. Contact Information

Submittal information should be sent to Geoff Kravitz (kravitzg@amherstma.gov). Electronic communication is preferred, though physical submittals may be sent to:

Geoff Kravitz
Town of Amherst
4 Boltwood Ave
Amherst, MA 01002

Questions may be submitted to the same by May 15, 2019. It is anticipated that questions will be answered by May 22, 2019.

5. Acknowledgement

I, _____, in my capacity as _____ of
(Name) (Title)

_____ have received a copy of the Guidance for Recreational Marijuana
(Business Name)

Retail Establishments in Amherst document. I have read the document and I understand and agree to the requirements, provisions, terms, and conditions contained therein. Further, I acknowledge and accept that

_____ may be subject to local license requirements in the future.
(Business Name)

Signature

Date